

HOUSE BILL 2063
By Hensley

AN ACT to amend Tennessee Code Annotated, Section 7-82-307, relative to filling of vacancies of board of commissioners of a water utility district having less than one thousand six hundred (1,600) subscribers located in any county having a population of not less than thirty-nine thousand nine hundred (39,900) nor more than forty thousand (40,000), according to the 2000 federal census or any subsequent federal census.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 7-82-307, is amended by adding the following language as a new, appropriately designated subsection:

(nn)

(1) Notwithstanding any provision of law to the contrary, any water utility district having less than one thousand six hundred (1,600) subscribers in any county having a population of not less than thirty-nine thousand nine hundred (39,900) nor more than forty thousand (40,000), according to the 2000 federal census or any subsequent federal census, shall be governed by a three-member board.

(2) A vacancy occurring on the board of commissioners of any such utility district after July 1, 2003, shall be filled by vote of the customers of the utility

district at the first regular meeting of the district's board of commissioners that occurs more than forty (40) days after the vacancy occurs. The board of commissioners shall schedule such meeting at seven o'clock p.m. (7:00 p.m.). No person shall serve on a board unless the person is a customer of the utility district. As used in this subsection, "customer" means a person who is regularly billed for utility service rendered by the district and who pays money for such service.

(3) A vacancy on the board due to the expiration of a term, or due to an increase in the number of members on the board, or due to any other reason shall be filled as follows:

The remaining commissioners shall give notice to all customers of the vacancy by mail and by publication in a local newspaper of general circulation. This notice shall state that such vacancy exists, a date and time for the election to fill the vacancy, a deadline for nominating petitions to be filed and that persons desiring to be placed on the ballot must submit a nominating petition signed by not less than ten (10) customers of the district and who also reside in the district. This notice shall be mailed to all customers of the district at least thirty-five (35) days prior to the election. Immediately after the qualifying deadline, the remaining commissioners shall prepare a paper ballot of the nominees for the vacancy, which ballot shall be published in a local newspaper of general circulation not less than five (5) nor more than fourteen (14) days prior to the date of the election. The vacancy shall be filled by a plurality of the votes cast for each seat. Write-in votes shall also be counted.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring

it.

